

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 23rd day of February 2015 A.D. at 7:00 p.m.

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Denise M. deMedeiros - President</b>	<b>Jay J. Lambert</b>	<b>Peter A. Mello</b>
	<b>Joan B. Chabot – Vice President</b>	<b>Brett N. Pelletier -Late</b>	<b>David Perry</b>
	<b>Joseph R. Sousa</b>		

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present.

**COUNCIL PRESIDENT DENISE M. deMEDEIROS – ADMINISTER OATH OF OFFICE TO  
FIRE FIGHTER 4<sup>TH</sup> CLASS GORDON J. SIMARD**

Council President deMedeiros administered the Oath of Office to Fire Fighter 4<sup>th</sup> Class Gordon J. Simard. Fire Chief Robert Lloyd noted FF Simard's wife April, son, daughter, mother, his two sisters and other family members were in attendance. FF Simard served in Afghanistan with distinction receiving various medals. Chief Lloyd read a letter of reference from one of FF Simard's military commanders. April Simard pinned the badge on FF Simard. A round of applause followed.

**Approval of Consent Agenda:**

All items listed with "(CA)" are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President deMedeiros read the items on the Consent Agenda, removed items CA5, Police and Fire Department Overtime For January 2015 and item CA8, Distribution of Budget & Revenue Reports January 2015 for discussion.

Councilor Lambert made a motion, seconded by Councilor Perry to Approve the rest of the items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA**

**A-1-Approval of Minutes of Previous Meetings:**

a.No Minutes Available

**A-2-Receipt of Minutes from the Following Boards, Commissions:**

a.Conservation Commission

d.Art Council

b.Library Trustees

e.Recreation Commission

c.Budget Committee

f.Open Space (7)

**A-3-Correspondence – Receive and File:**

a. City of Warwick Resolution Supporting House Bill 2015-H 5044 Regarding Taxation of Development Property

**A-4-Approval of Tax Assessor Abatements**

**A-6-Town Administrator – Department Monthly Reports for January 2015**

**A-7-DPW Director Response to Councilors Request for Information on Landfill Closure Costs**

## **BUSINESS BROUGHT BEFORE THE COUNCIL**

### **CA5-Town Administrator – Police and Fire Department Overtime For January 2015**

### **CA8-Treasurer Denise Saurette- Distribution of Budget & Revenue Reports January 2015**

President deMedeiros called attention to Fire Department Overtime January report over \$28,000 spent. There is still 5 months to go. The Treasurer's report has only \$9k left; questioned the Town Administrator on a plan and where the money would come from as the budget is very tight. Administrator Wojcik froze spending in the FD in certain accounts, is an unsustainable pattern, like to reserve further discussion for Executive Session. Chief Lloyd noted the storms cost \$12k, have sought FEMA reimbursement. President deMedeiros noted the FD overtime account could be in the red; do not know where the Council would get \$200k from this budget. Treasurer Denise Saurette explained unexpected revenues will offset a deficit, however cannot spend the money from the Judson Street sale. President deMedeiros noted the Council did not agree to spend over \$400k in overtime, not fair to the citizens. Councilor Sousa suggested 2 options, raise some money or cut manpower. President deMedeiros requested the run sheet from the FD for the last 4 months. Councilor Perry agreed, need to get this under control quickly. President deMedeiros noted there would be further discussion at the Special meeting this Saturday. President deMedeiros added the Council was holding March 3 for another special meeting will go to the Senior Center.

Councilor Lambert made a motion, seconded by Councilor Perry to Approve items CA5 and CA8. Motion passed unanimously.

## **B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**

### **PUBLIC PRESENTATION**

#### **1. Mary Sahady, Hague, Sahady & Co. P.C. – Presentation of Audit Report 6/30/2014**

Mary Sahady from Hague, Sahady & Company appeared before the Council on the Presentation of the Audit Report as of 6/30/2014. Thanked everyone for the opportunity to work on the Annual Audit, working with the staff was an enjoyable experience. Kyle Connors, manager for this engagement was also available to answer any questions. Ms. Sahady stated Tiverton is financially sound, for FY 14 ended with a surplus of over \$200,000. Fees and fines were budgeted for a conservative amount. Page 60 contains the Financial Statement, refers to financial stability. Revenues and expenses are shown in a gross presentation on one sheet, details shown on pages 69 and earlier. Fire Department overtime, snow removal, actual expenditures shown for 2014. In addition to the General Fund (GF) the School Department (SD) had an unrestricted and actual \$1million dollar surplus, represents savings from Special Education contracts and salaries. Enterprise funds, certified funds don't have budgets, shown are actuals, land acquisition was stagnant. Financial statements from 2013 were done in a similar fashion. New accounting pronouncements have deferred in flow and deferred out flow will see 2 additional lines on the balance sheet. The other difference is in pension disclosure; see additional pages required supplemental information, now required for a 10 year period of time.

The GASB standard will impact every municipality; will include a management letter of information for next year. In the first couple of pages will see a more efficient budget versus actual, will affect fund equity. The GF unrestricted balance, \$2.4 million, 10% of the Town operation budget, a healthy reserve. President deMedeiros called for questions from the Council. Councilor Perry questioned on page 67, the weighted rate of return, net of investment expense, was 15.30%, seems high. Ms. Sahady explained, disclosure required from the new GASB 67, don't know if that is reasonable or not, really a question for the actuary. Explained for the Fund Balances listed on page 85, of the \$467,309 in the Restricted, \$376k is from the North Tiverton contamination aware, the \$670k committed could be for an open purchase order. Ms. Sahady noted the Single Audit Report on Federal programs, received \$1.364 million in Federal dollars. If a program gets more than \$500k a compliance audit is needed. Only one program met the criteria, the Special Education program at the SD, there were no findings, filed the reporting requirement with the government.

The management letter is to make recommendations to improve internal controls, account disclosures and housekeeping issues. Some recommendations include reconciling School funds on a regular basis, some done manually, recommend general ledger control. Suggest an agency fund for deposits being held, helps with putting the data in the right bracket. The audit contained no material weakness, defined as unmodified. Modified would be for something found that was not right. Councilor Pelletier requested clarification on the Pension numbers on page 38, referred to the Town's investment policy, did not recall seeing one. Ms. Sahady explained this page followed prudent municipal rules, standards need to be followed; the Town writes its own investment policy. Councilor Pelletier noted page 50 has more detailed actuarial assumptions, will follow up with the T/A on other actuarial questions. Ms. Sahady was available at any time to answer questions. The \$8.84 million on 7/1/2014 includes the Town contribution during the year. President deMedeiros thanked Ms. Sahady for the presentation.

## **ADVERTISED PUBLIC HEARINGS**

### **2. Alcoholic Beverages – Town Code of Ordinances Chapter 6 – Proposed Amendments to Authorize and Regulate a New BYOB License to Serve Alcohol Brought in by Patrons Also Known as BYOB**

#### **a. Proposed Amendments**

#### **b. Additional Proposed Amendments**

Town Solicitor Andy Teitz explained, originally brought by Chief Blakey concerned about a gray area. The State of RI does not license Bring Your Own Booze (BYOB), does not permit or regulate. The Town's liquor laws are based on State law would help restaurant businesses. Added language so there would be people responsible, TIPS training. The second part added for non-profit events where BYOB is allowed. Created a BYOB license for public entertainment to make sure someone there is responsible. President deMedeiros opened the hearing to public comment. Russ Smith, a resident of Sandywoods (SW) serves as the program coordinator. Have meetings, classes, workshops, affordable live music and public events where patrons bring in food and drink. Applied for and received an Indoor Entertainment License, never had a problem at any event. Agrees, it is a gray area, does need some sort of parameters. Do not have a liquor license or a victualling license, do not want one, speaking personally it is a great ordinance, similar to what is already being done. Article V refers to mostly stand-alone events, have had numerous events, question if a license would be required for each event or if it would be an annual license.

Solicitor Teitz noted, good point, the regular license is for indoor events, is required to get one for outdoor events, is unique. It would also apply to Pardon Gray Day, could come up with additional language for the next meeting so it would be two separate licenses, would need an Outdoor License and BYOB license. If charging a fee for an event would need a special one day F1 license. Councilor Pelletier suggested putting both BYOB and entertainment on one license as opposed to two separate applications. Town Clerk Mello noted the application can be modified; Chief Blakey wanted to know who will be responsible for the license as well. Chief Blakey questioned if anyone from SW could get a license, was affirmed would be Mr. Smith or someone on the Board of Directors. Mr. Smith sought clarification between Articles IV and V. Councilor Sousa questioned the TIPS training. Solicitor Teitz clarified, if you buy it at a restaurant, known as Merlot to go, only those people serving can cork, will not apply to this. These people are providing their own wine, has to be locked in a trunk. Need to have one person at the event for TIPS, difference is if selling food, then that would change it. Roger Bennis question, on the Merlot to go, what if you have a station wagon, there is no trunk. Chief Blakey clarified, alcohol cannot be within your reach, can't have access to it. Peter Moniz noted some typo errors, words not separated, sought clarification. Two parts to this law, in the first part is for establishments that serve food. Solicitor Teitz clarified, want patrons to be sitting down, trying not to create self-service bars. President deMedeiros agreed would be so someone could not come in, drink a whole bottle, not eat anything and then leave. Solicitor Teitz clarified, Article V is only for people who do not have a victualling license.

Mr. Moniz questioned if an establishment has a liquor license then they can't have a BYOB. Solicitor Teitz affirmed meant that language to be there. Mr. Moniz was concerned about public events with a thousand people, may be underage drinking, only 1 TIPS trained person, is not enough. Solicitor Teitz explained, if reports come in then could require additional people. Councilor Pelletier opined, if underage drinking then the Police should be called. Mr. Moniz questioned if an event like the library gala is catered do they need a BYOB license. Councilor Pelletier and Chief Blakey explained can't bring alcohol on Town property. Mr. Moniz questioned what if a non-profit had no entertainment wanted a BYOB license. Solicitor Teitz opined, could be some permutations, noted

the entertainment license procedure was revised several years ago, could refine this as well. Suggest continuing for another two weeks, will come back with the additional language. Lori Roy had several questions; when applying for BYOB would abutters need to be notified. Solicitor Teitz explained, if they have a victualling license, for the first time around would be advertised, abutters noticed, after that would be just like annual renewals. Can have a victualling license with BYOB and not have entertainment, can have BYOB with entertainment or all three, don't have to have all three. Councilor Pelletier added BYOB is not a singular license. President deMedeiros called for any other comments, requested a motion to continue the public hearing in order for the Solicitor to add the additional language.

Councilor Perry made a motion, seconded by Councilor Pelletier to continue this to the next meeting. The motion passed on a vote of 6-0-1, Councilor Peter Mello abstained, was not at the Council table.

**3. Taxation – Town Code of Ordinances Chapter 74 – Proposed Amendments to Section 74-48 Which Regulates the Amount of Exemption for Elderly Low Income Taxpayers Based on Annual Income**  
**a. Correspondence (3) Received from Cheryl and Edward Saber, Peter Moniz and Councilor Chabot**

Tax Assessor David Robert explained this was mainly to expand the elderly low income exemption, to correct a perceived injustice. Income limits, \$22k apply to any number of residents in households, multiple person households not being treated fairly because that income limit applies across the Board. The Tax Exemption Committee looked at raising the income limit to the State level \$30k; current ordinance goes up to \$22k. Looked at other towns and would like to tie to the Federal poverty level which is easily defined. Depending on income limits tax credits of \$550, \$750 and \$1,000 would be given. This would have to go to the General Assembly to amend the State statute for the credit.

President deMedeiros called for public comment. Peter Moniz came across a similar program in Middletown, they have an exemption for basically any senior citizen, is higher for low income. Mr. Moniz suggested the person live in the Town for 5 years and is a qualified voter of the Town, so it's not for someone living in another state who owns property here. Mr. Robert replied; do cross check applications, motor vehicle registrations at the location. Have disqualified other people who claim residence in another state. Applicants have to be a property owner for 3 years, 65 years of age. Councilor Sousa questioned if this would apply to people who own a house but not the land. Mr. Robert affirmed, this would also apply to a condo or leased land as long as they own real property. Councilor Chabot questioned section 74-48 (c), second page and questioned if the 200% get to the \$30k. Mr. Robert noted it would actually be over \$31,460, for 3 persons would be \$39,580. Councilor Chabot referred to section (e), income of the occupants where the owner may rent a room to a non-relative, not benefitting by the other person not being part of the household, would mean they cannot apply because that person's income would also be included with theirs. Councilor Chabot questioned if something could be done if a valid situation. Mr. Robert would have to confer with the Solicitor to draft language. Solicitor Teitz explained the hard part would be proving who they are but could add language to say income of the household.

Mr. Robert suggested making any amendments tonight, would have to get this to the General Assembly as soon as possible, the language the Solicitor suggested would suffice. The Tax Assessor does investigate, is not heavy handed, take people's word on good faith. President deMedeiros asked the Solicitor to repeat the suggested language. Solicitor Teitz suggested, for Section 74-48, (e), add after occupants, of the household and after the word shall insert also so the last sentence would be: The income of any other occupants of the household related or not shall also be included in the total household income. Councilor Pelletier suggested eliminating the word also, just makes it more confusing. Mr. Robert noted currently have 143 households getting exemptions, if given across the board like Middletown would be a substantial increase to the tax rate. Councilor Pelletier noted this may need adjustment from time to time. Mr. Robert agreed, envisioned reviewing this every 3 years like the revaluation. Mr. Robert affirmed it would have to be changed at the State level, filing deadline is March 15, do not have the authority to extend the deadline, also asking the State to change it to a tax credit instead of an adjustment to the value. Solicitor Teitz explained, would need the State amendment for it to work, would likely be next year unless getting one of the local legislators to quickly help. President deMedeiros planned to contact Representative Jay Edwards tomorrow, will work with Mr. Robert.

Councilor Pelletier made a motion, seconded by Councilor Perry to approve the Town Code of Ordinances Chapter 74 Proposed Amendments to Section 74-48 with the additional wording to the amendment in Section 74-48 ( e ) . Motion passed unanimously.

Councilor Chabot made a motion, seconded by Councilor Sousa to get to the State with the changes made for 44-3-16. Motion passed unanimously.

**Adopted Ordinance at end of minutes.**

**C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:**  
**ADVERTISED PUBLIC HEARINGS**  
**NON ADVERTISED LICENSES**

**1. John Skrzypiec, 48 Island View Drive - Requests Approval of Private Detective License**  
**a.Recommendation of Police Chief**

Chief Thomas Blakey had requested continuation two weeks ago, the matter has been resolved, had no objection.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant a Private Detective License to John Skrzypiec for a term of one year subject to meeting all legal requirements. Motion passed unanimously.

**D-APPOINTMENTS & RESIGNATIONS:**

**1. Tree Warden – Annual Appointment**  
**John Manchester, 2970 Main Road**

President deMedeiros questioned the T/A if the problem was resolved, T/A Wojcik affirmed it was.

Councilor Pelletier made a motion, seconded by Councilor Perry to Appoint John Manchester as Tree Warden, Annual Appointment, subject to meeting all legal requirements. Motion passed unanimously.

**2. Planning Board Administrative Officer**  
**Recommendation of Planning Board – Kate Michaud**

President deMedeiros called for a motion for this annual appointment.

Councilor Pelletier made a motion, seconded by Councilor Lambert to Reappoint Planning Board Administrative Officer Kate Michaud for the Annual Appointment. Motion passed unanimously.

**E-UNFINISHED BUSINESS:**

**1. Councilor Perry – Update From DPW Director Stephen Berlucchi on William Barton Reserve**

DPW Director Stephen Berlucchi provided the update on William Barton Reserve, had submitted a memo dated January 29, 2015 to T/A Wojcik, summarized, requested the Planning Board secure the funds. The developer, Tom Costa basically told Director Berlucchi he was walking away from the project. Was put on the Planning Board agenda, estimate completion at \$219k, contingency of 15%. Going on 10/11 years now, the base coat has been down over 7 years, the surety as a letter of credit was about \$130k has expired. Needs to be covered with a leveling course. Councilor Perry opined the Town lost \$130k it might have had to do the project. Administrator Wojcik explained is an important Planning Board policy, worked with Director Berlucchi over the summer on this, sent emails to various individuals to call the letter of credit and secure it with assets of the business. Problematic because this individual no longer has possession of assets, was allowed to linger for so long. Requested the Planning Board attorney find a way to pursue judgment against this person. The Planning Board needs a policy to never accept a letter of credit, has to be cash or a certified check, need something to call. Councilor Perry requested a follow up on this item. Director Berlucchi explained the Planning Board several years ago passed new subdivision regulations that within 3 years of putting down a basecoat; the top coat must go down. T/A Wojcik recommended a report on sureties be on every Planning Board agenda. Councilor Sousa questioned the Solicitor of any recourse if the contractor did not use enough materials. Solicitor Teitz explained if the Town engineers signed off on it then it would be hard. Echoed the concerns about not accepting letters of

credit. Have successfully called some letters of credit in the past. Should be cash or a certificate of deposit in the name of the Town. Councilor Sousa requested Director Berlucchi provide a list of guidelines.

## **2. Councilor Sousa – Continued Discussion and Possible Vote on Future Action Relative to Possible Zoning Changes Along Main Road, Bulgarmarsh Road, Stafford Road and Crandall Road**

President deMedeiros suggested before going forward, take a vote of the Council to see if they are interested in changing zoning. Council has a lot going on, want to see if the majority want to go further with this. Lengthy discussion followed. President deMedeiros requested Councilor Sousa make a motion. Councilor Sousa explained, was not asking to change at this time, wanted to send this with the Council approval to the Comp Plan Committee. Trying to get input to the committee looking at the Comprehensive Plan (Comp Plan), wanted to look at the areas on the map. Councilor Sousa was trying to invoke a discussion on those made pre-existing non-conforming uses to businesses. President deMedeiros again asked if the Council wanted to change this, asked for a vote to move this forward. Councilor Sousa noted currently businesses can't put up a new building or change it in any way. Councilor Lambert raised some questions regarding the businesses still having the same status, the same rights and if they have any relief under the Comp Plan. Suggest getting a full explanation from the T/A and the Solicitor. Have not heard complaints from these people, this is incomplete at this point. Councilor Sousa has spoken to many business owners, asking the Council to help grow existing businesses. President deMedeiros again called for a motion. Councilor Pelletier was sympathetic; don't know the mechanisms, have very little back-up, not sure what the Council is being asked to do. Not sure a broad brush should be used to change all 4 districts. Councilor Chabot commented, the Comp Plan Advisory Committee (CPAC) has met during the past year, at one point in the fall had stopped meeting. The Council voted to extend this committee, agreed with Councilor Sousa legal non-conforming is an issue. There were unintended consequences two years ago. Two members of the Councilor were appointed to CPAC, Councilor Chabot and former Councilor William Gerlach; perhaps Councilor Sousa would like to be appointed for the former Councilor's position. That is one way to move forward, need to find some sort of resolution. Should be more discussion as that committee has to come to the Council. The Planning Board is basically in charge of CPAC, whatever changes you make to zoning you have to change the Comp Plan.

Councilor Perry suggested appointing someone to that committee. Councilor Sousa was interested; Councilor Peter Mello was also interested. Councilor Lambert noted that was not on this agenda at this point. Councilor Sousa will put on the next agenda. Councilor Sousa insisted changing zoning was the only way. Solicitor Teitz noted, are some problems, have concerns about going about it this way. There was 2 years of work on this issue, deliberate discussions at that time. The zoning ordinance does need to be overhauled for language as far as non-conforming use, legal non-conforming use to provide for different zones. At the request of the Yacht Club waterfront commercial was changed then overturned by a court decision. Should get the Comp Plan rewrite approved first as the Comp Plan can be amended up to 4 times a year. Important to get it to the State first. Then take one area at a time to review and recommend to the Planning Board. Doing it this way have to send abutter letters for those within 400 feet, send by certified mail would cost approximately \$15-20k. President deMedeiros again called for a motion to move this forward. Councilor Sousa knows this is a lot of work, wanted to know if the Council wanted to help businesses. President deMedeiros explained, this was more complicated than that. An audience member, Barbara Martin requested to speak; President deMedeiros explained this was not a public hearing. Commented by doing what Councilor Sousa wants to make commercial will open to a lot more things like manufacturing, retail areas, restaurants or any kind of business. Not against economic development but there is another way besides wholesale zoning changes. Trish Hilton, CPAC member explained, had 2 public charrettes, at this point the land use section is about 85% completed. The zoning section and updating of the maps not done. The land use subcommittee had 5 meetings; the larger group had 2 meetings. There was a lot of public input on the revision; at this point don't have plans to open up the draft. Councilor Pelletier understood what Councilor Sousa was trying to do, need to approach with smaller steps. This needs a firm proposal more data, more coordination. Councilor Sousa did not see anything in the rewrite that was addressing this issue, if a pre-existing non-conforming have to prove a hardship under the current zoning. President deMedeiros noted the suggested changes would not affect just the businesses but residents as well. No action was taken on this item.

## **F-FINANCIAL BUSINESS:**

### **1. Councilor deMedeiros – Update on FY 2015/16 Budget**

President deMedeiros reminded, the Council is having a Special Meeting this Saturday, February 28 at 9:00 a.m. to discuss the budget. On Thursday the Budget Committee will be discussing the Fire Department, President deMedeiros and T/A Wojcik will attend.

## **G-NEW BUSINESS:**

### **1. Request by Tiverton Garden Club for Permission to Hang Two Banners on Town Property From April 25 to May 9 to Publicize Tiverton Clean-up Week - Fence at the Entrance of Bulgarmarsh Rd Playground and on the Sign at Town Farm Garden on Main Road**

Town Clerk Nancy Mello explained Mrs. Haddad was unable to make this meeting, Did check with Jodi Roy in the Building Office, size of the banners are fine, same as in years past. The banners will be hung during Clean Up week, April 25 to May 9 on Town property, requesting permission from the Council to hang the banners.

Councilor Pelletier made a motion, seconded by Councilor Perry to Grant permission to the Garden Club to hang banners on Town Property from April 25 to May 9 for Clean Up week which is from April 25 to May 9. Motion passed unanimously.

### **2. Town Administrator – Request Permission to Advertise for Lateral Hire Firefighter Positions**

Administrator Wojcik explained the request, talked about at one of the Council's budget meetings. The FD has 2 men out injured on duty. Looking to create a list, discussed as part of solutions to the overtime problem. Chief Lloyd has seen this done in Western U.S., trying to hire someone who already has been a firefighter within the past 12 months. Councilor Sousa questioned why they could only be from Rhode Island. Chief Lloyd explained the person has to have a RI Paramedic license or have national certification. Tiverton Firefighters are all licensed to operate within the State of RI but a paramedic can apply for the national registry. President deMedeiros noted there is reciprocity between states. Chief Lloyd noted, most are licensed in both states, MA and RI.

Councilor Pelletier made a motion, seconded by Councilor Perry to allow permission to Advertise for a Lateral Hire Firefighter Positions. Motion passed unanimously.

## **H-BIDS AND REQUESTS FOR PROPOSALS:**

There were no bids or request for proposals.

### **H-1-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS:**

Roger Bennis complained about moving the Open Forum to the end of the agenda, seems to discourage people who want to speak. Mr. Bennis requested an update on the status of sidewalk and road problems, six weeks ago submitted a letter to the Council. Can see large piles of snow from driveways driven across streets onto sidewalks. Questioned how many tickets have been issued, how many warnings issued and how soon the snow will be removed. Solicitor Teitz noted the Open Forum is just for listening, can refer this to the Administrator. Mr. Bennis believed Chief Blakey should answer the questions. President deMedeiros explained the Council could not address at this point. As far as moving the Open Forum to later in the agenda, President deMedeiros explained, was an experiment, most people who sign up do so for an item already on the agenda. Just trying to see if it will work in this section. Councilor Pelletier noted items can be added to the agenda for discussion purposes only. President deMedeiros will put on the next agenda. Mr. Bennis DOT had two months to address, still have potholes on Highland Road, is a safety issue. Councilor Pelletier, while not unsympathetic, explained there is a chain of command, don't have sovereign authority over everyone in the Town. Councilor Sousa suggested making public that there is an ordinance.

## **I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:**

Administrator Wojcik apologized to the Budget Committee was unable to attend the meeting last week, the car died and the water pump at home froze up. Recognized the Town's responsibilities during this budget challenge, have a very tight budget. The cost of a contract that increases \$100 per year over the cost of three years is \$600.

Scoring these contracts refer back to the first year, even modes t increases impact the Town. Wanted to put this in context for Executive Session.

### **J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Lambert praised the DPW Department for the excellent job during these snow storms.

### **K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:**

#### **1. Essex Library Cy Pres Action – Future Use or Disposition**

##### **a.Memorandum From Solicitor of October 6, 2011**

##### **b.Will of Lydia B. Essex**

##### **C.Minutes from 1937 Financial Town Meeting**

##### **d.Article from The Library Journal, December 15, 1940**

Solicitor Teitz noted the late hour was looking for Council input on the disposition of the Essex Library. The Solicitor provided a Memorandum on possible action, a copy of a Memorandum issued in 2011, a copy of the Will of Lydia B. Essex. There was a typo on the minutes from the Financial Town Meeting, the year should be 1937, not 1967 as shown on the agenda. (The heading was corrected for these minutes.) Cannot use the library for some other purpose without other action. Would be necessary to go to RI Superior Court and bring action against the Attorney General. Solicitor Teitz opined, the Town could use the building for other municipal business, or put up for sale and pay toward the new library debt service. Better to ask for specific relief. President deMedeiros deferred to the T/A, may be able to be used for archives, would be analogous to that use, cannot imagine using that building for anything else. Would struggle to make ADA compliant in this budget cycle. Councilor Sousa did not want to see another Judson Street should go right to the tax rolls. Councilor Lambert requested finding out the value of the property on the market, cannot see many uses for an old library. Questioned what the Town could anticipate as a price. President deMedeiros suggested getting for the next meeting. T/A Wojcik explained a formal appraisal would be expensive. Referring to the archives, T/A Wojcik was mainly talking about Planning Board documents.

Councilor Pelletier had no interest in selling the property, would not support. While technically not using as a public library but as an archive, should not disregard the wishes of Lydia Essex. Councilor Lambert preferred keeping the building as an archive but would like some idea of the value of the property. Councilor Pelletier suggested getting a commercial broker's price opinion which will be just as accurate and will cost much less.

#### **2. Workshop for All Boards, Commissions, Committees and Department Heads Regarding Open Meetings Act, Access to Public Records Act and Ethics Commission Laws Monday, March 2, 2015**

Solicitor Teitz reminded everyone about the March 2 Workshop, will be talking about Ethics, Open Meetings, Public Records and will answer questions.

Councilor Perry recalled discussion about phone lines, the Town Sergeant here to explain. Randy Costa was willing to volunteer time and service, is IT Director of Communications for Collette Travel, has experience with networks and telecommunications. T/A Wojcik thanked Mr. Costa, has copies of phone bills ready, will contact for Thursday.

### **L-TOWN CLERK ITEMS AND ANNOUNCEMENTS**

Town Clerk Mello reminded the Council about upcoming meetings: Saturday, February 28, Town Hall at 9a.m. for the Budget. Monday, March 2 is the Open Meetings workshop at the Town Hall at 7pm. Tonight the Council set a meeting for Tuesday, March 3 for the Budget. President deMedeiros affirmed would be Special Meetings in case the Council wanted to take votes. Saturday March 14 and Monday March 16 are Interviews for Legal Services. Do not think March 18 or 24 will be needed, just waiting to hear from 2 more to confirm times.

**CLOSED EXECUTIVE SESSION:**

**1. Open Space – 42-46-5(a) (5) – Acquisition of Real Property**

**2. Open Space – 42-46-5(a) (5) – Disposition of Real Property - Industrial Park Proposal**

**3. Solicitor – 42-46-5(a) (2) - Litigation Site Ready/LAL Construction, Inc. et al**

**4. Councilor Perry - 42-46-5(a) (2) – Collective Bargaining – IAFF and IBPO**

Solicitor Teitz suggested, because of the late hour, before going into Executive Session item 3 could be postponed. Councilor Sousa objected, President deMedeiros noted will be discussed in Executive Session.

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a)(5) -Open Space– Acquisition of Real Property. Motion passed unanimously

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a)(5)- Open Space– Disposition of Real Property - Industrial Park Proposal. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) -Solicitor- Litigation Site Ready/LAL Construction, Inc. et al. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) - Councilor Perry– Collective Bargaining – IAFF and IBPO. Motion passed unanimously.

The Council entered into Executive Session at approximately 11:00 p.m.

The Council returned to Open Session at approximately 12:20 a.m.

**OPEN SESSION:**

In Open Session President deMedeiros announced action had been taken on items#1-Open Space-Acquisition of Real Property and #3-Litigation Site Ready. No action was taken on Items #2 and #4.

Councilor Perry motioned to seal the minutes of Closed Executive Session. Seconded by Councilor Chabot. Motion passed unanimously.

**ADJOURNMENT:**

Councilor Perry motioned to adjourn, seconded by Councilor Mello. Motion passed unanimously.

Council adjourned at approximately 12:25 a.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk

**Amendments to Town Code of Ordinances Chapter 74 Section 74-48**

**Sec. 74-48. Amount of exemption based on annual income and household size.**

- (a) A household with an annual adjusted gross income that is 140% or less of the Federal Poverty Level Guidelines shall receive a tax credit of \$1,000 on such qualified real property.
- (b) A household with an annual adjusted gross income that is greater than 140% and up to 170% of the Federal Poverty Level Guidelines shall receive a tax credit of \$700 on such qualified real property.
- (c) A household with an annual adjusted gross income that is greater than 170% and up to 200% of the Federal Poverty Level Guidelines shall receive a tax credit of \$500 on such qualified real property.
- (d) The exemption described in subsections (a)—(c) of this section shall be in addition to any other exemption to which such taxpayer shall be entitled; provided, however, that such exemptions shall not be allowed in favor of any taxpayer unless he shall have presented due evidence that he is entitled to such exemption and the person has resided in the town for a period of three years ending with the date of assessment for the year for which exemption is claimed.
- (e) For the purpose of this section, the income of a husband shall be deemed to include the total income of his wife, or the income of the wife shall be deemed to include the total income of her husband, and only one such exemption shall be allowed in favor of a married couple. Only one such exemption shall be granted to cotenants, joint tenants, and tenants by the entirety even though all of such cotenants, joint tenants or tenants by the entirety are 65 years of age or over or all occupy the property subject to exemption. The income of any other occupants of the household related or not, shall be included in the total household income.
- (f) The Tax Assessor shall utilize the published Federal Poverty Level Guidelines by Family Size of the current calendar year in which the exemption is claimed.

**§ 44-3-16 Elderly – Freeze of tax rate and valuation. – ...**

(h) The Tiverton Town Council may, by ordinance, provide for a tax credit on the real property and/or mobile homes situated in the town which is owned and occupied as the principal residence by any one or more persons sixty-five (65) years of age or over, domiciled in the town of Tiverton, upon terms and conditions as may be established by the town council in the ordinance.

(i)(1) The town of Tiverton may provide, by ordinance, for a schedule of tax credits for any person who is sixty-five (65) years or older, which tax credit schedule is based upon annual adjusted gross income as defined for federal income tax purposes.

(2) Provided, that the exemption schedule applies only to single family dwellings in which the person resides; provided, further, that the person acquired the property for actual consideration paid or inherited the property; provided, further, that the person has resided in the town of Tiverton for a period of three (3) years ending with the date of assessment for the year for which exemption is claimed; and provided, further, that the exemption is not allowed unless the person entitled to it has presented to the assessors, on or before the last day on which sworn statements may be filed with the tax assessor for the year for which the exemption is claimed, due evidence that he or she is so entitled, which evidence shall stand as long as his or her residence remains unchanged.

(3) In the case of married persons, the age requirement will be met as soon as either the husband or wife reaches the age of sixty-five (65) years, and in the event a spouse passes away, a widow(er) sixty-two (62) years of age to sixty-five (65) years of age is allowed the exemption as long as ~~she~~ they remains unmarried.